FILED

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

2006 MAY - 1 PM 3: 58

		CLERK. U.S. DISTRICT COURT WESTERN DISTRICT OF TEXAS
TRAVIS CO. J.V.,	§	WESTERN DISTRICT OF TEXAS
ROGER HILL, SR. and	§	DEPUTY CLERK
CHRISTOPHER HILL	§	Diane West to the best title
	§	
	9:	
Plaintiffs,	§	
	§	
v.	§	CASE NO. SA-06-CV-146-FB
	§	
HENNESSEE GROUP, L.L.C.,	§	
ELIZABETH LEE HENNESSEE	§	
and CHARLES J. GRADANTE	§	
	§	
Defendants.	§	

PLAINTIFFS' SURREPLY REGARDING DEFENDANTS' MOTION TO STAY

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Plaintiffs Travis Co. J.V., Roger Hill, Sr., and Christopher Hill (collectively, "Plaintiffs"), and file this Plaintiffs' Surreply Regarding Defendants' Motion to Stay stating as follows:

Given the state of the actual judicial status of this case (as opposed to a mere forecasting of future rulings) it is not inappropriate or inefficient to stay the claims against Elizabeth Lee Hennessee that are pending in the NASD arbitration. This Court's stay of those claims against Hennessee would not be inconsistent with any possible future ruling by the Panel on Multi-District Litigation. It does however appear that it would be most unusual for a court to, in effect, relinquish jurisdiction over a matter based on a mere possibility of a ruling not yet issued in another court. Thus, this Court should rule on and grant Plaintiffs' motion to stay.

WHEREFORE, premises considered, Plaintiffs request that the Court deny Defendants' Motion to Stay Proceedings in Light of the Consolidation of All Bayou Related Cases and proceed with the resolution of Plaintiffs' Motion to Stay Pending Arbitration that relates to the claims against Defendant Elizabeth Lee Hennessee by granting that Motion.

Respectfully submitted,

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Bv:

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ATTORNEYS FOR PLAINTIFFS

<u>CERTIFICATE OF SERVICE</u>

I hereby certify that a true and correct copy of the foregoing document has been sent via certified mail, return receipt requested, to the following counsel of record on this the ___ May, 2006:

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